

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
WILLIAM H. MIKULIN, individually and )  
as Trustee of Mikulin Holdings Trust, )  
Yegua Trust, and Redemptive Trust, )  
HARRIS COUNTY TAX ASSESSOR - )  
COLLECTOR, BARRY W. MIKULIN, )  
as Trustee of RLD Investment Trust and )  
Yegua Trust, )  
Defendants. )

Case No. 4:19-cv-01010

**UNITED STATES OF AMERICA’S MOTION  
TO HOLD DEFENDANTS WILLIAM H. MIKULIN AND BARRY W. MIKULIN  
IN CONTEMPT OF COURT FOR FAILING TO COMPLY  
WITH COURT ORDER TO PRODUCE DOCUMENTS**

On January 27, 2021, the Court Ordered William H. Mikulin and Barry W. Mikulin to produce documents responsive to the United States' document production requests. (See ECF No. 76.) Defendants were provided a copy of this Order on January 28, 2021 by email, overnight delivery, and by U.S. mail. (See ECF No. 78.) Defendant William H. Mikulin also attached a copy of the Order to his filing dated February 10, 2021 (ECF No. 80). The Court's ordered document production deadline has expired and William H. Mikulin and Barry W. Mikulin have failed to comply with the Court's Order, having produced none, much less all, of the responsive documents.

Pursuant to Fed. R. Civ. P. Rule 37(b)(2), the United States respectfully requests that Defendants be held in contempt, and that they be sanctioned for failing to obey the Court's Discovery Order, by:

- (1) prohibiting Defendants from opposing the claims made by the United States in its

First Amended Complaint (ECF No. 24);

(2) striking Defendant William H. Mikulin's Restricted Answer to Plaintiff's First Amended Complaint (ECF No. 31);

(3) directing that the facts designated in the United States of America's First Amended Complaint (ECF No. 24), the United States' Motion for Summary Judgment on Counts 1, 2, 3, and 4 of its First Amended Complaint Against William H. Mikulin, Yegua Trust, RLD Investment Trust, and Texas Redemptive Trust (ECF No. 60), and in the United States of America's Motion for Summary Judgment on Counts 5 and 6 of its First Amended Complaint Against William H. Mikulin (Individually and as Trustee of Mikulin Holdings Trust, Yegua Trust, and Redemptive Trust) and Barry W. Mikulin, as Trustee of Yegua Trust and RLD Investment Trust, (ECF No. 65) be embraced by the Court and taken as true for purposes of this action;

(4) entering Summary Judgment consistent with the proposed orders tendered with the United States' summary judgment motions (ECF Nos. 60 and 65) or, alternatively, entering default judgments against the defendants consistent with the terms of those tendered proposed summary judgment orders; and

(5) granting the United States such additional relief as the Court deems appropriate.

Respectfully submitted,

DAVID A. HUBBERT  
Acting Deputy Assistant Attorney General

By: /s/ Thomas M. Herrin  
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**ATTORNEYS FOR THE UNITED STATES**

**CERTIFICATE OF CONFERENCE**

I hereby certify that on February 19, 2021, I attempted to confer with Barry W. Mikulin and William H. Mikulin by email to determine their views regarding the relief requested in this motion. I have not received a response from either. Defendant, Harris County Tax Assessor-Collector, does not oppose the relief requested by this Motion.

/s/ Thomas M. Herrin  
THOMAS M. HERRIN

**CERTIFICATE OF SERVICE**

I hereby certify that service of this motion was made by U.S. mail and by e-mail on  
February 22, 2021 to the following:

William H. Mikulin  
8603 Manhattan  
Houston, Texas 77096

Barry W. Mikulin  
3531 Durhill  
Houston, TX 77025

Service of this motion will be effected by the Clerk's ECF system on the following:

Douglas Steven Bird  
Linebarger Goggan Blair  
& Sampson, LLP  
2700 Via Fortuna  
Ste 500  
Austin, TX 78746

/s/ Thomas M. Herrin  
THOMAS M. HERRIN